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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,492	12/21/2001	Jewel Tsai	4504-048	4499

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EXAMINER
WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _18 Sep 20065_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _22-44_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _22-44_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _21 December 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some *   c)☐ None of:
   1.☐ Certified copies of the priority documents have been received.
   2.☐ Certified copies of the priority documents have been received in Application No. _____.
   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

DOUGLAS Q. TRAN
PRIMARY EXAMINER

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 22-44 are currently pending in this application. Original claims 1-21, have

been cancelled by applicant's amendments. Newly submitted claims 22 through 44 are

examined.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Aug 18,

2006, has been entered.

Claim Objections

3.   Claims 22, 26 and 29 are objected to under 37 CFR 1.75(c), as being of improper

dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s)

in proper dependent form, or rewrite the claim(s) in independent form.

Applicant's amendments to the claims shows that claim 1-21 have been cancelled.

However, an originally submitted **dependent** claims 25, 26 and 29 further limits to a

canceled claim 1, not to the newly introduced claims. Appropriate correction is required.

4.   In claim 30, the last line 8, and beginning of line 9 "a plurality of" is written twice a

correction is required.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 22 through 44 rejected under 35 U.S.C. 103(a) as being unpatentable

over Os et al. (USP 6480304) in view of Motoyama (USP 6,330,628).

        With respect to claim 22, Os et al. teaches a facsimile system (fax system of fig

1,with fax button 23c of fig 1, including scanner 12, col.2, lines 61-63) comprising: an

optical scanning (scanner 12 of fig 1) device having a facsimile button (23C of fig 1, a

fax button) for activating the facsimile function (button 23c of fig 1, an icon

representative of function that the button performs, col.2, lines 50-55);

        Os et al. do not teach or disclose a computer having a communication port

connected to said optical scanning device and a plurality of communication gateway,

connected to said computer; and

        a facsimile module having a driver a communication management program are

each used to initiate or drive by association with respective hard ware and software

application of computer system, and a communication subroutine capable supporting said communication gateway, wherein the communication management program is capable of automatically detecting the plurality of communication gateways, and is further capable of determining a priority of each of the plurality of communication gateways, wherein said facsimile module is installed in said computer and wherein optical scanning device is capable of being, automatically activated in response to a user pushing said facsimile button in order to acquire an image of a document, and further wherein said communication subroutine of said facsimile module is capable of sending said image to a receiver.

Motoyama in the same area of data communication teaches a facsimile module (a copier/facsimile device of fig 1) having a driver (a computer such as a micro processor 26 of fig 1) a communication management program (col.4, lines 34-40) are each used to initiate or drive by association with respective hard ware and software application of computer system (25 of fig 1, col.4, lines 25-40), and a communication subroutine capable supporting said communication gateways, gateway (multi-port communication I/F 166 3 and 4, which includes 224, 226, 228 and 230 fig 4), (communication device 159 of fig 7, may be modem or network), wherein the communication management program is capable of automatically detecting the plurality of communication gateways, and is further capable of determining a priority of each of the plurality of communication gateways, (col.4, lines 35-50)

wherein said facsimile module is installed in said computer (col.6, lines 30-45), and wherein optical scanning device is capable of being (copier 6 and 8 of fig 1),

automatically activated in response to a user pushing said facsimile button in order to acquire an image of a document (col.5, lines 37-44), and further wherein said communication subroutine of said facsimile module (facsimile 4 of fig 1) is capable of sending said image to a receiver.(electronics inter face 220 of fig 4).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging apparatus of Motoyama to include: a computer having a communication port connected to said optical scanning device and a plurality of communication gateway, connected to said computer; and

a ı facsimile module having a driver a communication management program are each used to initiate or drive by association with respective hard ware and software application of computer system, and a communication subroutine capable supporting said communication gateway, wherein the communication management program is capable of automatically detecting the plurality of communication gateways, and is further capable of determining a priority of each of the plurality of communication gateways, wherein said facsimile module is installed in said computer and wherein optical scanning device is capable of being, automatically activated in response to a user pushing said facsimile button in order to acquire an image of a document, and further wherein said communication subroutine of said facsimile module is capable of sending said image to a receiver.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified O's et al. communication system by the teaching of Motoyama for the reason that in order to have a communication with

different communication protocol at the same time, and it would have allowed users to

determine the communication protocol and format of the incoming and outgoing

communication, so it is parsed according to format which has been determined.

With respect to claim 23, Os et al. teaches a facsimile system (fax system of fig

1,with fax button 23c of fig 1, including scanner 12, col.2, lines 61-63, wherein said

facsimile button is a click button (button 23c of fig 1, on panel button 19 of fig 7).

With respect to claim 24, Os et al. teaches a facsimile system (fax system of fig 1,with

fax button 23c of fig 1, including scanner 12, col.2, lines 61-63, wherein said facsimile

button is a touch Panel (fax button 23c of fig 7, on touch panel 19 of fig 1).

With respect to claim 25, Os et al. teaches a facsimile system (fax system of fig 1,with

fax button 23c of fig 1, including scanner 12, col.2, lines 61-63), wherein said

communication gateway is a MODEM (159 of fig 7, may be a modem, col.9, lines 65-

67).

With respect to claim 26, Os et al. teaches a facsimile system (fax system of fig

1,with fax button 23c of fig 1, including scanner 12, col.2, lines 61-63), wherein said

communication gateway is an Internet connection, (computer system 150 col.9, lines

65-68)

With respect to claim 27, Os et al. teaches a facsimile system (fax system of fig 1,with fax button 23c of fig 1, including scanner 12, col.2, lines 61-63), wherein said communication management program (desktop management application program, col.8, lines 20-25) determines the type of said communication gateway, (communication device 159 of fig 7, may be a modem, computer network, col.9, lines 66-68) establishes a connection from said communication subroutine to said communication gateway (communication device 159 of fig 7, may be a modem, computer network, col.9, lines 66-68).

With respect to claim 28, Os et al. teaches a facsimile system (fax system of fig 1,with fax button 23c of fig 1, including scanner 12, col.2, lines 61-63), wherein said communication management program ((desktop management application program, col.8, lines 20-25) detects the availability of said communication gateway (159 of fig 70 and therefore determines the type of said communication gateway (communication device 159 of fig 7, may be a modem, computer network, col.9, lines 66-68).

With respect to claim 29, Os et al. teaches a facsimile system (fax system of fig 1,with fax button 23c of fig 1, including scanner 12, col.2, lines 61-63), wherein said communication management program detects (program in a scanner software, col.3, lines 35-45) the availability and data transmission rate of said commllnication gateway 9159 of fig 7) and therefore determines the type of said communication gateway with

the highest data transmission rate (communication device 159 of fig 7, may be a

modem, computer network, col.9, lines 66-68)..

With respect to claim 30, Os et al. teaches a facsimile system (fax system of fig 1,

with fax button 23c of fig 1, including scanner 12, col.2, lines 61-63), with a facsimile

module stored in a media storage, (program software store in memory 153 of fig 7)

comprising: a driver capable of detecting diving a scanner (a scanner software executed

by host computer 150 of fig 7) to acquire an image of a document, (col.3, lines 26-35);

an internet communication program capable of transmitting information via

internet, (WWW or any other network of computers col.9, lines 65, through col.10, lines

1-10); a modem communication program (159 of fig 7, may a modem program, col.9,

lines 65-68); an ISDN communication program (can be any other device, such as

network card any other device coupling to the computer, col.9, lines 65-68); and

OS et al. do not teach or disclose a communication management program

capable of determining a plurality of communication gateways, capable of selecting:

communication gateway, from the plurality, of detected communication gateways,

capable of establishing a connection from a communication subroutine to said. selected

Communication gateway, capable of executing said driver for acquiring said image,

capable of storing said Image and further capable of activating said communication

subroutine to conduct a facsimile function.

Motoyama in the same area of data communication system (fig 1), teaches a

communication management program, (col.4, lines 34-40) capable of determining a

plurality of communication gateways, (multi-port communication I/F 166 3 and 4, which includes 224, 226, 228 and 230 fig 4), capable of selecting (160 of fig 3) a communication gateway, from the plurality, of detected communication gateways, (multi-port communication I/F 166 3 and 4, which includes 224, 226, 228 and 230 fig 4), capable of establishing a connection from a communication subroutine to said, selected communication gateway, (col.4, lines 35-50), capable of executing said driver (160 of fig 3) for acquiring said image, capable of storing said Image and further capable of activating said communication subroutine to conduct a facsimile function, (col.4, lines 35-50).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging apparatus of OS et al, to include: a communication management program capable of determining a plurality of communication gateways, capable of selecting: communication gateway, from the plurality, of detected communication gateways, capable of establishing a connection from a communication subroutine to said. Selected communication gateway, capable of executing said driver for acquiring said image, capable of storing said Image and further capable of activating said communication subroutine to conduct a facsimile function.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Os's communication system by the teaching of Motoyama for the reason that in order to have a communication with different communication protocol at the same time, and it would have allowed users to determine

the communication protocol and format of the incoming and outgoing communication,

so it is parsed according to format which has been determined.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 31-44 are rejected under 35 U.S.C. 102(e) as being anticipated by

Motoyama (USP 6330628).

With respect to claim 31, Motoyama teaches a method, (fig 1-4) comprising:

detecting a plurality of communication gateways, (multi-port communication I/F 166 3

and 4, which includes 224, 226, 228 and 230 fig 4), wherein said detecting a plurality of

communication gateways (multi-port communication I/F 166 3 and 4, which includes

224, 226, 228 and 230 fig 4), comprises determining a priority for each of the detected

communication gateways, see (col.4, lines 43-50);

receiving an indication to activate a facsimile operation, (step 302, receive initial

communication) wherein the indication activate the facsimile operation is received in

response at least is part to a user, col.11, lines 15-20) pushing a facsimile button

(operation panel 174 including copy button) on a scanner, col.5, lines 35-44);

automatically performing the facsimile operation, (operational panel 174 of fig 3)

wherein the facsimile operation comprises delivering an image captured at the scanner

to a receiving device coupled to one of the detected communication gateways (multi-

port communication I/F 166 3 and 4, which includes 224, 226, 228 and 230 fig 4).

With respect to claim 32, Motoyama teaches a method, (fig 1-4), further comprising

receiving a phone number (telephone line 268a of fig 4) associated with the receiving

device, (col.5, lines 33-35).

With respect to claim 33, Motoyama teaches a method (fig 1-4), wherein receiving a

phone number associated with the receiving device comprises receiving the phone

number from the scanner (copier 6 and 8 of fig 1)

With respect to claim 34, Motoyama teaches a method, (fig 1-4), wherein receiving

a phone number associated with the receiving device comprises prompting the user and

receiving an input from the user, (col.5, lines 33-35).

With respect to claim 35, Motoyama teaches a method, (fig 1-4), wherein

detecting a plurality of communication gateways comprises detecting a MODEM. (228

of fig 4)

With respect to claim 36, Motoyama teaches a method, (fig 1-4), wherein detecting a plurality of communication gateways comprises detecting (26 of fig 1) detect the connection) an Internet connection (col.4, line 27-34).

With respect to claim 37, Motoyama teaches a method, (fig 1-4), further comprising detecting transmission rates for the plurality of communication gateways (224, 226, 228, 230 of fig 4).

With respect to claim 38, Motoyama teaches an article, (fig 1-4), comprising: a storage medium (164 of fig 3) having stored thereon instructions, (col.5, lines 25-30) that, if executed, result in: detecting a plurality of communication gateways 9224, 226, 227, 228 of fig 4, col.5, lines 33-35), wherein said detecting a plurality of communication gateways comprises determining a priority for each of the detected communication gateways (CPU 160 of fig 3, determine a multi communication interface, 166 of fig 4);

receiving an indication to activate a facsimile operation, (operational panel 174 of fig 3) wherein the indication activate the facsimile operation is received in response at least is part to a user pushing a facsimile button on a scanner (a copy button keys to control the operation of the copier 8 and 9); automatically performing the facsimile operation, wherein the facsimile operation comprises delivering an Image captured at the scanner to a receiving device (col.5, lines 37-41).

With respect to claim 39, Motoyama teaches an article, (fig 1-4), wherein .the

storage medium (164 of fig 3) has stored thereon further instructions, that, if executed,

result in receiving a phone number associated with the receiving device (col.5, lines 25-

30).

With respect to claim 40, Motoyama teaches an article, (fig 1-4), wherein receiving a

phone number (168 of fig 3, represent a telephone col.5, line 32-34) associated with

the receiving device comprises receiving the phone number from the scanner (scanner

194 of fig 3).

With respect to claim 41, Motoyama teaches the article, (fig 1-4), wherein receiving a

phone number(168 of fig 3, represent a telephone col.5, line 32-34) associated with the

receiving device comprises prompting the user and receiving an input from the user.

With respect to claim 42, Motoyama teaches the article, (fig 1-4), wherein detecting a

plurality of communication gateways comprises detecting a MODEM (modem 228 of fig

4).

With respect to claim 43, Motoyama teaches an article, (fig 1-4), wherein detecting a

plurality of communication gateways comprises detecting an Internet connection (LAN

interface 230 of fig 4).

With respect to claim 44, Motoyama teaches an article, (fig 1-4), wherein the

storage medium (164 of fig 3) has stored thereon further instructions, that, if executed,
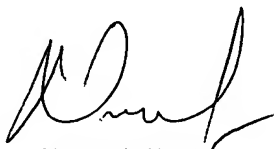
result in detecting transmission rates for the plurality of communication gateways (col.6, lines 20-30, fig 4).

Contact information

9   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 571-272-7472. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7472.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

Negussie Worku
Patent Examiner
Art Unit 2625
Sep 12, 2006

DOUGLAS Q. TRAN
PRIMARY EXAMINER